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ABSTRACT

This paper discusses how professionals have responded to the challenge of educational discrimination against minority group students in Europe, particularly the United Kingdom, explaining that minority students and their parents may differ from other students in their experience and understanding of the school system, cultural knowledge relevant to the national curriculum, and proficiency in the main language. One form this discrimination takes is disproportionate admission into schools for students with special educational needs (SEN) and unfair assessment of SEN. The paper looks at responses to this challenge from teachers, administrators, professional associations (e.g., the Association of Educational Psychologists and the British Psychological Society), employers of educational psychologists, and the central government. It highlights four expectations for the process of assessment, which include theoretical integrity, practical efficacy, equity, and accountability. Finally, it focuses on fair methods of assessment (normative assessment and curriculum-related assessment), noting that dynamic assessment has potential for use with ethnic and linguistic minority students. (Contains 29 references.) (SM)

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ED 459 309

Principles and practise of fair assessment

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1. The nature of the challenge

There is discrimination against some minority groups across Europe. This discrimination is often expressed in the denial of educational opportunities. One form that this takes is to expedite the admission of minority children into special schools and units. Recent statistics from Czech Republic are an exceptional example: it appears that around 60% of Roma children were being educated in segregated schools on the basis that they had special educational needs. In the United Kingdom the public debate on fair assessment of special educational needs (SEN) has not focused on Roma children or travellers. It has concentrated on the children of immigrants from Commonwealth nations in the developing world, i.e. the areas of the old British Empire that were least well developed economically when they gained independence.

A large number of immigrants arrived in Britain from the nations of the old British West Indies during the 50's and 60's. By 1972 children of African-Caribbean origin constituted just over 1% of all children in maintained primary and secondary schools in England and Wales. Yet in that year in special schools for the mildly educationally subnormal [ESN(M)] nearly 5% of all pupils came from that group – over four times what might have been expected (Tomlinson, 1984). Not surprisingly parents and community leaders reacted angrily to such figures. For the influential book that first drew British public attention to the topic Bernard Coard (1971) chose the title *How the West Indian Child is made Educationally Subnormal in the British School System.* Suspicion in minority communities was not dispelled by subsequent developments. The assessment of special educational needs was described by a black pressure group as "a serious threat to the education of black children" (HBPGE, 1984).

A London Muslim newspaper at the time referred to some of the professional workers involved in the assessment of special educational needs as "immigration officials of a monolingual system". These problems were not unique to the United Kingdom or Europe. In the USA the language of some academic commentators was just as strong. DeBlassie and Franco (1983) described the transfer of bilingual pupils to SEN provision as "tantamount to a 'rape' of these children" (p.55). In Canada Cummins (1984, p.1) used the term "deportation". He had in mind a 1917 report in which a physician celebrated the successful use of mental tests to secure the deportation from the U.S.A. of large number of aliens. They were described in the jargon of the day as "feeble-minded".

In fact by the mid-80's the statistical picture had changed in some important respects. In Inner London there was some satisfaction that the percentage of children from ethnic minority backgrounds who were the subject of an SEN Statement reflected much more closely the percentages of each group in the school system as a whole. But there was no room for complacency: an analysis of specific SEN groups showed some continuing discrepancies, e.g. in schools for children with emotional and behaviour difficulties (ILEA, 1985, Table 12). Meanwhile in the U.S.A. it appeared that black over-representation had merely moved from one type of special provision to another (Tucker, 1980). In a recent English survey of head teachers of special schools for children with moderate learning difficulties (what would have been called schools for the ESN(M) in the past) it has been confirmed that many of them now see a different group as over-represented in their establishments – children of South Asian origin (Male, 1996). The terms of the public debate have changed on both sides of the Atlantic, but the major challenge to educators has not disappeared. In Eastern Europe, of course, the challenge is even more formidable, as illustrated by the statistics for Roma pupils in special schools.

Before we look at how professionals have responded to that challenge, I would like very briefly to look at the situation from the perspective of the families from minority communities themselves. What challenges do their children face in relation to schools? It will be evident that minority children and their parents may differ from other pupils in:

- experience and understanding of the school system and the classroom
- cultural knowledge relevant to the national curriculum
- proficiency in the main language used in the school system

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- experience of prejudice, discrimination and racism

It would be wrong to exaggerate these differences, but it would be equally wrong to ignore them. Each of these factors could contribute to the underachievement of an individual child from a minority family in school, leading to a misleading impression that the child has special educational needs. Our strategies for the identification and assessment of SEN ought to make provision for that possibility.

2. The response to the challenge

The most important single element in our society's response to the challenge was a change in the law nearly twenty years ago that affected all children and young people with special educational needs. Before describing the legal position, however, I will briefly consider the response of individual professionals, their associations and their employers.

The initials response from educationists

In the United Kingdom the debate on the over-representation of black pupils in some types of special school had a considerable effect on some of the educators most closely associated with the black community. Many such staff (e.g. teachers of English as a second language) developed a hands-off attitude to special education by the early 80's. There was a healthy scepticism about traditional IQ tests and other norm-based tests used in SEN assessment. There was a tendency to emphasise the stigmatising effects of SEN provision above its possible educational value. Inevitably, therefore, many such teachers were reluctant to refer bilingual children for SEN assessment. Yet at the same time they were often among the first to become aware of a bilingual pupil who was having exceptional difficulties in school.

Meanwhile teachers in the SEN field appeared to do little to bridge this gap. The journals and textbooks on SEN failed to reflect the changing composition of U.K. society, and methodological innovations in SEN teaching rarely related to issues of bilingualism or ethnic and cultural pluralism. Only very gradually over the last decade has the gulf of misunderstanding between these two networks of teachers begun to be bridged (Cline and Frederickson, 1991). It is a long, slow process that now, happily, seems to be gathering momentum.

The response of professional associations and employers

In the United Kingdom the Codes of Conduct of the Association of Educational Psychologists and the British Psychological Society set out general principles of non-discrimination, but do not specify what this might mean in practice. Even as late as 1995 joint guidance from these associations on preparing statutory advice on SEN was rather vague in its single reference to the assessment of bilingual pupils (AEP/BPS, 1995). This is regrettable: a clear code of conduct from a professional association can protect professional staff from the insidious pressures to cut corners that often occur in public services. Recently there has been considerable debate on institutional racism triggered by the report of a Committee of Enquiry into an unsolved racist murder (MacPherson Report). This is leading many professional bodies, including the British Psychological Society, to review their guidance to members.

In general, local authority employers of educational psychologists in the U.K. ignored the issues covered here. But during the 80's a number of local education authorities in urban areas began to try to address issues of racism across the whole range of their activities. Some of these, including Manchester and Leeds, developed formal statements of service policy for their educational psychologists that covered fair treatment of black children and parents (Manchester SPCGS, 1983; Joyce, 1988).

In the Inner London Education Authority we developed a formal Code of Practise covering all the activities of the Service. This Code included a number of measures that where designed to minimise bias in the assessment of SEN. In addition, we committed ourselves to gather evidence of relevant knowledge and skills that children and young people showed outside school, including competence in languages other then English (ILEA, 1986). Individual members of the Service have described the fundamental changes in attitude and

practice that were stimulated by the process of review leading up to the writing of this document (Booker et al, 1989).

The response of central government

The legal framework for SEN provision was reformed in 1981. So for nearly twenty years education law has provided some essential safeguards in this field for children and parents. For example:

- Local authorities must obtain parents' permission before a child is assessed (or go through a formal appeal procedure if they believe parents are unreasonably withholding permission).
- Parents have the right to have a friend or advocate support them in all interviews on special educational needs.
- There are regulations specifying the number, format and scope of the professional reports on which a statement of SEN in based. These regulations make it clear that certain key professional perspectives must be included.
- Parents must receive copies of all these reports as well as the formal statement itself.
- Children are to remain in mainstream schools unless a strong case is made for them to be educated elsewhere. (The criteria are due to be strengthened further in new legislation that will reach Parliament shortly.)
- All such decisions are to be based on an analysis of the child's educational needs. The criterion is not whether or not a child has a disability or impairment but whether or not they can be educated successfully with the provision available for all children in their area.

In relation to children from ethnic minorities and SEN government departments in the U.K. have an uneven record. From example, there was resistance for a long time to the idea that we should collect adequate official statistics on ethnic minority pupils in schools. But since 1981 the law has at least clarified one important issue in relation to children for whom English is an additional English. The Education Act passed in that year stated that a lack of competence in English (or Welsh in Wales) is not to be equated with SEN as defined an the Act:

A child is not to be taken as having a learning difficulty solely because the language (or form of the language) in which he is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in his home.

A subsequent Act of Parliament in 1993 required the Department for Education to issue a Code of Practice on SEN which was to be an authoritative point of reference for all who work in that field. Unfortunately the Department failed to rise to the opportunity that this task offered. Like its predecessors, this new document paid relatively little attention to children from linguistic minorities. It did, though, represent an advance in official guidance in that there was at least an explicit attempt to offer general advice on the subject. The Code advised that particular care should be taken when the identification or assessment of SEN concerns children from minority ethnic groups, including children whose first language is not English. There were four recommendations in the relevant paragraph:

(a) Take care to consider the child within the context of his or her home, language, culture and community.
(b) Ensure, if necessary by the use if bilingual support staff, interpreters and translators, that the child and his or her parents fully understand the measures the school is taking.
(c) So far as possible, use assessment tools which are culturally neutral and useful for a range of ethnic groups.
(d) Make use of any local sources of advice relevant to the ethnic group concerned (DFE, 1994, para. 2:18)

For the most part, the advice was helpful, but the notion of a "culturally neutral" assessment tool was naive and the recommendations were rather general. A more detailed guide was published by the National Association for the Development of Language in the Curriculum (NALDIC). That Guide highlighted points in the recommended procedures when additional specific actions might be needed if a child thought to have SEN had a first language other than English (Cline, 1995).

The crucial procedural steps set out in the Guide (which are not made explicit in the Code of Practice) include:

- Involve ESL and bilingual support teachers actively at every stage
- Record and review information on a child's knowledge and use of their home language and of English
- Set and review specific educational aims covering language and cultural needs
- Arrange appropriate language provision
- Investigate social, cultural and language isolation and peer harassment as possible factors in the child's difficulties
- Engage an interpreter/adviser from the parent's own community if needed
- Where a child attends a religious or community school, include that school among the outside agencies to be consulted

Such procedural steps are necessary. The Department for Education and the Environment in London is about to issue a revised Code of Practice, and I hope it will fill some of the gaps that were left in the 1994 version. However, guidance on procedure is not sufficient in itself to meet the challenges described earlier. For that purpose sensitive and fair methods of assessment must be developed. Before I examine assessment methods in detail, I will consider what principles should underlie our approach to SEN assessment in any society, thinking particularly about the increasing number of societies that are pluralistic, multiethnic and multilingual in character – including both the United Kingdom and Czech Republic.

3. Principles of fair assessment

This section will highlight four expectations that we may reasonably have of the process of assessment – theoretical integrity, practical efficacy, equity, and accountability (Cline, 1992). The first two of these have regularly featured in textbook accounts of SEN assessment (focussing, for example, on the concepts of validity and reliability). Here the last two will be given equal importance – equity and accountability. Drawing on my own earlier work and on principles adopted by Shah et al (1997) in London, I wish to suggest a more wide-ranging series of questions that should be asked about any process of assessment:

Theoretical integrity

- Is the approach to assessment based on an acceptable model of SEN (or is the model on which it is based reliant on out-dated or misleading categories of handicap)?
- Is the approach to assessment based on an implicit model of human development that incorporates all aspects of development (or is it based on a narrow view of what is important in development, e.g. focusing on intelligence to the exclusion of everything else)?
- Is it based on an acceptable model of the learning process that respects the autonomy and initiative of the learner (or does it appear to assume a top-down, highly structured process for all aspects of classroom learning)?
- Does it explicitly focus on aspects of development that are important for successful learning (or does it emphasise only weakness, limitations, gabs in knowledge, and what might make for failure)?
- Do the process of assessment and the information it yields tend to foster inclusion, integration and the provision of support for children with SEN in ordinary schools (or is the process geared to classifying children's SEN in order to facilitate their transfer to segregated settings)?
- Is the assessment rooted firmly in a real life context and does it explore concerns in the context in which they occur?

Practical efficacy

- Does the assessment draw upon the richest sources of information available (or is it based on thin evidence that comes from a restricted perspective on what the child is like)?
- Does it produce information that can lead directly to improvements in teaching and learning (or is the information it yields of limited value in planning how the child can best be taught)?
- Is the evidence on which the assessment is based replicable, and are opinions and interpretations that are reported clearly denoted as such?
- Does the way the assessment is conducted empower children, parents and teachers (or does it place them in a subordinate position so that their observations as stakeholders in the situation are ignored)?

Equity

- Are the rights of children and parents (or cares) effectively protected?
- Does the process operate without bias with respect to gender, social class, ethnicity, language use and religion?

Accountability

- Do parents (or carers) give their permission before their children are assessed on the basis of a good understanding of how it will be done and what its outcomes might be?
- Is the process and the information it produces open and intelligible to children, parents, teachers, other professionals, and district administrators?
- Can a report of assessment be understood easily by all those who have an interest in it?
- Is the process cost-effective?

The assessment of special educational needs is carried out in different countries with children and young people at different stages of development who are reported to have a wide range of difficulties. The methods that are used will differ widely. However, these questions, which imply a set of robust general principles, should receive answer that are very similar across all these varying contexts and settings.

4. Fair methods of assessment

Much of the debate on fairness in assessment has focused on techniques and materials. In this discussion I wish to consider two methodological options – normative assessment and curriculum related assessment. For reasons of time I will not discuss another option that has some potential for use with children from ethnic and linguistic minorities – dynamic assessment. I understand that this approach will be discussed later in the conference.

Normative approaches to assessment

The conventional approach to the assessment of SEN and learning difficulties remains the normative approach. This approach involves comparing an individual's performance with that of a large sample of children of the same age. It focuses on the child with a difficulty with an implicit assumption that the source of any problems lies within the child: he or she suffers from disability or impairment of learning ability compared to most children of the same age. The educators' task is conceived on an analogy from diagnostic practise in medicine. The aim of assessment or analysis is to determine what category of disability the child suffers from. Underlying this approach are a series of hypotheses. It is hypothesised:

- that individuals' traits and abilities are relatively permanent characteristics;
- that it is possible to identify the pattern of strengths and weaknesses in learning that are the result of these characteristics;
- that this pattern of strengths and weaknesses is the prime cause of the child's poor classroom performance with other factors having less importance;
- that a teaching programme which remediates weaknesses and builds of strengths can lead to improvement in performance.

This approach has been particularly associated with arranging provision for children with SEN in separate schools or units.

Over many years critics have argued that this approach cannot fairly be employed with children from cultural or linguistic minorities because their prior experience is likely to be significantly different from that of the population on which the norms are based. Some defenders of psychometric tests have responded by showing that some major normative tests such as IQ tests have good predictive validity with different populations. For example, in the United States they demonstrated that in large samples of children with a wide range of ability and achievement normative IQ scores can sometimes predict achievement test scores as accurately for ethnic minority groups as for children from the majority community (Reynolds and Kaiser, 1990). It has been

shown that these broad-based, positive correlations may conceal important individual anomalies (Valdes and Figueroa, 1994). These concerns have been expressed too in the U.K. and Europe. This has led some professionals to reject the use of norm-based instruments altogether. Others have argued that some of the problems could be overcome if local community norms were developed through the use of computerised approaches to assessment (Beech and Singleton, 1997). The concept of pluralistic norms has a substantial and chequered history (Mercer, 1979; Figueroa and Sassenrath, 1989; Baker, 1988). There are serious problems in trying to implement the strategy in any setting where the norms of behaviour and performance are changing rapidly – such as within linguistic minority communities in the U.K. and also, I imagine, in the developing situation of the Roma in Czech Republic.

Even if stable norms could be established, there are other problems. The demands of a special separate assessment situation have to be reviewed very carefully in a fair assessment is to be achieved:

- What language is demanded by the assessment task?
- Is there a possibility that the materials that are used are culturally biased?
- What social demands are made by the assessment task?

The first two of these questions have received most attention in the literature. The social demands of the assessment task will be a crucial factor too for many children from ethnic and linguistic minorities. For example, a "quiz" or "interrogation" style in an adult's language may intimidate some children who do not encounter such questioning in their home milieu. Similarly, the notion of "doing your best" or "putting on a show" in a test situation may be alien to the cultural style a child has assimilated at home. An effective strategy for assuring fairness in assessment will need to address all these issues – language, bias and social context. However those challenges are tackled, one thing is clear: a short single interview with an unfamiliar adult using materials that have been standardised in an alien cultural context is not a fair or efficient way of assessing the special educational needs of a child from a minority community. In fact, when combined with a strategy of persuading parents not to press their legal rights, it is an abuse of professional power and status.

Curriculum related assessment

The second approach that I will discuss is curriculum related assessment (CRA). Here the focus of attention is not so much on the child as on the teaching programme that the child is offered. The hypothesis is made that the current curriculum is not well suited to the learning needs of the child. The aim is to match work on the curriculum very closely to the child's existing skills and knowledge. The psychologist or teacher analyses the learning tasks within the curriculum into component skill elements that can be approached in incremental steps. Then it is necessary to determine which elements the child has mastered and which require further work.

In the school setting the approach is based on a series of assumptions:

i) The school curriculum for developing children's knowledge, understanding, skills and attitudes can be analysed into tasks that can be expressed in the form of behavioural objectives.
ii) These tasks can be arranged into pedagogically viable sequences.
iii) By checking frequently on a child's attainments within one of these sequences teaching can be matched closely to the learning stage the child has reached.
iv) Through a method of instruction that is very firmly under the teacher's control children can be led to - acquire new skills; perform them with fluency; maintain them after teacher support is withdrawn; use them in new context; adapt them to different challenges. (Cline, 1992)

There are number of disadvantages. Firstly, many important aspects of the curriculum cannot in fact be analysed easily into a series of specific objectives. Secondly, the pupil is often placed in a passive and unchallenging role. It has been argued that this approach could have an adverse effect on pupils' motivation and on their engagement in other opportunities for more active learning. They would learn to be passive and to rely on others to select and structure their experience for them (Cummins, 1984; Frederickson, 1992).

However, there are valuable positive features too. A CRA approach encourages a rigorous experimental strategy in work with children who are experiencing difficulties; in incorporates frequent brief checks on performance; it insists on painstaking efforts by the teacher to foster generalisation and adaptation of learning; and, in particular, it ensures that assessment will serve directly to improve methods of teaching. The

focus is on improving the education that is offered to children in their mainstream classrooms rather than on classifying them with a view to separating out different groups.

Many educators have argued that CRA methods are generally to be preferred to a norm-referenced approach for work with bilingual children (e.g. Lowden, 1984). With these methods at least there is no question of applying norms to an individual whose language and cultural experiences differ significantly from those of the population from whom the norms were collected. At the same time, however, the assumptions underlying these methods do not always hold in the case of all bilingual children. For example, because of their different prior experiences they may learn some tasks in a different order. That will invalidate the teacher-devised learning hierarchy on which the approach is based. Most seriously, if the whole curriculum is ethnocentric, a CRA strategy will not compensate for the gap between what bilingual pupils need from their school and what they are offered.

In addition, with some methods of CRA there are pedagogical problems that are specific to bilingual pupils. For example, Cummins (1984) highlighted the fact that behavioural objectives are normally defined in a very prescriptive way. Yet, "if we focus in on one, possibly ethnocentric, way of demonstrating understanding, we may disqualify (or at least lose sensitivity to), different ways in which understanding may be expressed by children from different cultural backgrounds." (Frederickson and Cline, 1996, p.7)

5. Conclusion

What I have said about different methods of assessment might be taken to imply that, if we choose an appropriate technique and materials for SEN assessment, all will be well. That is not the case. It is also essential that the setting in which the assessment takes place empowers the pupils' achievement. The ultimate question is not *is the test fair?* but *what is the context for this assessment?* For many children in the Unites Kingdom and Czech Republic the context is a difficult one which undermines any confidence they have and dissipates their ability to show what they are capable of. It is the responsibility of psychologists and teachers to refuse to allow their technical and professional expertise to be abused in order to lend authority to an invalid process. Adopting an inappropriate normative approach simply allows problems (or advantages) of the setting to be interpreted as attributes of the child.

We should not underestimate the challenges and the costs of managing these processes more fairly and effectively. In the past a favourite metaphor for the process of educational assessment involved the notions of sorting and categorising. That is a quick and simple process. But we have learned that it does not lead to effective educational provision. Later the metaphor of a template became fashionable: assessment was about achieving an exact match between the profile of a learner and the shape of a teaching programme. As my account of CRA illustrated, this takes a little longer and requires more sophisticated expertise. But, if it is managed with care, it can lay the basis for successful inclusive education.

An alternative way of thinking about assessment and teaching is to describe the whole cyclical process as dialogue or conversation. Some forms of dynamic assessment justify that description (though not those approaches which depend on a single test that produces a score looking very like an IQ score). The metaphor of assessment as dialogue should be welcomed by those who work with children from ethnic and linguistic minorities. If there is to be a conversation, it will take time to reach a conclusion, success will require a particular effort towards mutual understanding, and it will be possible for non-standard of responding to be accommodated by flexible practitioners. As I have pointed out previously, the notion of assessment as conversation also reminds us that you cannot make sense of what the other person is trying to say, cannot even hear it, unless you have got the context right. "A finely tuned hearing aid in a noisy environment picks up nothing but noise." (Cline, 1993, p.67) And in Europe at present – East or West – there is, of course, a great deal of noise surrounding the educational assessment of any child from the Roma community.

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International Conference

The Conference Handbook

Minorities
in a Pluralist Society
at the turn of the Millennium

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